

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Applicant: DODGE Jeffrey Alan	Group Art Unit: 1625
Serial No.: 10/597117	Examiner: Chang, Celia C.
Application Date: January 18, 2005	Conf No.: 6384
US Nat'l Entry Date (if applicable): July 12, 2006	
For: SELECTIVE ESTROGEN RECEPTOR MODULATORS	
Docket No.: X16126	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated 17 April 2009, and for which a response is due 18 May 2009, for the above identified patent application, election in response to the restriction requirement is respectfully requested. Applicants note that 17 May 2009 is a Sunday, therefore, the response is timely filed.

Claims 1-10, 13, and 15-22 are currently pending in the application and are subject to restriction under 35 U.S.C. 121 and 372. The application is subject to a restriction requirement of 3 groups. Applicants elect, without traverse, the compounds of Group I. That is, Claims 10 and 18, with Claims 1-9, 13, 15-17, and 19-22 to the extent that such claims read on m=1.

For clarification purposes, Group I is the invention of "Claim 10 and 18, drawn to m=1, piperidinyl compounds, classified in class 546, subclass various, depending on species election. If this group is elected, a further election of a single disclosed species is also required. Claims 1-9, 15-17, 19-22 reading on m=1 can be prosecuted together with the election."

Thus, Applicants elect, solely for searching purposes, the species set forth in the specification as Example 10, that is the compound named 6-(1,1 -Dioxo-hexahydro- 1 X6 -thiopyran-4-yl)-5- [4-(2-piperidin- 1 -yl-ethoxy)-phenoxy]-naphthalen-2-ol.

Applicants hereby agree to withdrawal of the claims or parts of claims directed to the subject matter of the non-elected inventions; however, Applicants reserve the right to file one or more divisional applications to claim non-elected or withdrawn subject matter.

Applicants have considered the inventorship of this application, in view of the election, and do not wish to amend the inventorship at this time.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone her at the number provided below.

Respectfully submitted,

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